

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:20-CR-269-Y
	§	
ERIC PRESCOTT KAY (1)	§	

ORDER GRANTING MOTION IN LIMINE

Pending before the Court is the government's Motion in Limine (doc. 34). As of the date of this order, there has been no response in opposition to the motion. See N.D. TEX. CRIM. R. 47.1(e) (requiring response within fourteen days after motion filed). After review of the motion, the Court concludes that it should be and hereby is GRANTED, in that the parties, their counsel, representatives, and witnesses shall not mention or allude to the following matters without first approaching the bench and obtaining a ruling from the Court outside of the hearing of the jury that evidence about such matters is admissible:

(1) that Dr. Marc Krouse, medical examiner, may have made mistakes in other autopsy reports or was referred to the Dallas County District Attorney's Office for investigation;

(2) the sentence of imprisonment the defendant might receive if found guilty, the risk of incarceration the defendant faces, the conditions in prison, or the impact any sentence may have upon his family, if convicted;

(3) what the defendant would testify to or say, unless and until the defendant waives his Fifth Amendment privilege and testifies at trial;

(4) the defendant's prior good acts or his lack of criminal history;

(5) that the government may have violated its discovery

or *Brady* obligations;

(6) that the defendant is not guilty because the government did not indict others who participated in the alleged conspiracy;

(7) the decedent's alleged use of marijuana or other controlled substances other than the drug use that led to the specific event in this case.

SIGNED September 21, 2021.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE